



HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

MICHAEL CHESTNOV
Senior Counsel
phone: (212) 356-3529
mchestno@law.nyc.gov

March 2, 2022

BY E.C.F.

Honorable Denise L. Cote
United States District Judge
Southern District of New York
500 Pearl St.
New York, NY 10007

Re: *Global Leadership Foundation v. City of New York, et al.*
21 Civ. 10942 (DLC)

Your Honor:

I am a Senior Counsel in the office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, attorney for defendants City of New York ("City"), New York City Department of Finance ("DOF"), Tax Commission of the City of New York ("Tax Commission"), Frances Henn, and former Mayor Bill De Blasio in the above referenced matter.

Defendants respectfully request that their time to respond to the complaint in this action be extended for sixty days from March 4, 2022 until May 3, 2022. Should the Court grant this request, defendants further respectfully request that the initial conference scheduled for March 31, 2022 at 3pm be adjourned to a date and time convenient to the Court after issue has been joined. This is defendants' first request for an extension of time and an adjournment of the initial conference. Should the Court adjourn the conference, counsel for plaintiff and defendants are available on June 17, 2022 and June 24, 2022 for an adjourned conference. Plaintiff's counsel, Violet Elizabeth Grayson, Esq., consents to these requests, on the condition that, if defendants decide to move to dismiss the complaint via Fed. R. Civ. P. 12(B)(6), that she have a corresponding sixty days to oppose any such motion. While defendants have not yet determined whether they intend to file an answer or move to dismiss, should they file such a motion, they will consent to plaintiff having sixty days to respond to it.¹

¹ Defendants will promptly inform plaintiff's counsel if they decide to move to dismiss. If so, the parties will submit a proposed briefing schedule to the Court, that will include plaintiff having sixty days to respond to the motion.

In addition to the City, DOF, the Tax Commission, Ms. Henn and former Mayor De Blasio, plaintiff has also named Sherif Soliman, Michael Hyman, Timothy Sheares, Pierre Dejean, and Carmela Quintas, as defendants. A decision regarding this office's representation of these defendants has not yet been made and, accordingly, this request for an extension of time is not made on their behalf. However, given the time involved in determining the representation of City employees, and in the interest of judicial economy, if these defendants have been properly served, we would hope that the Court may, *sua sponte*, extend the time to answer on behalf of all defendants.

In this case, plaintiff brings claims pursuant to 42 U.S.C. § 1983 alleging, *inter alia*, that in retaliation for some of plaintiff's principals speaking out against and challenging the City's acquisition of property in East Harlem via eminent domain, the defendants revoked the tax exempt status of property owned by plaintiff in College Point, Queens and "aggressively reassessed the property." Plaintiff also claims that the City treats churches more favorably than secular organizations in the application of its property tax system. An enlargement of time will give this office the opportunity to investigate the allegations of the complaint in accordance with our obligations under Rule 11 of the Federal Rules of Civil Procedure.

Further, assuming plaintiff has effected timely service on the remaining individual defendants who are not yet represented by this office, the extension should also allow time for this office to determine, pursuant to Section 50-k of the New York General Municipal Law, and based on a review of the facts of the case, whether we may represent him. See Mercurio v. The City of New York, et al., 758 F.2d 862, 864-65 (2d Cir. 1985) (quoting Williams v. City of New York, et al., 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law)).

No previous request for an extension or adjournment has been made in this action. Thus, we respectfully request that defendants' time to respond to the complaint be extended until May 3, 2022, and that the initial conference be adjourned until after issue has been joined.

I thank the Court for its time and consideration of these requests.

Respectfully submitted,

/s

Michael Chestnov
Senior Counsel
Tax & Bankruptcy Division

cc: BY E.C.F.
Violet Elizabeth Grayson, Esq.
attorney for plaintiff

The conference is adjourned to 4/8 at 3⁰⁰ pm
The City's time to respond is
extended to April 1, 2022. The
plaintiff shall promptly file
affidavits of service as to all
defendants. No defendant need
answer before 4/1/22.
Dennis Cole
3/2/22